

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Michael W. Wadley, Esq.
Nevada Bar No. 12119
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
702-669-4600
702-669-4650 – fax
speek@hollandhart.com
mwwadley@hollandhart.com

Brett L. Foster, Esq. (*pro hac admission*)
Mark A. Miller, Esq. (*pro hac admission*)
Richard T. Jackson, Esq. (*pro hac admission*)
HOLLAND & HART LLP
222 S. Main Street, Suite 2200
Salt Lake City, Utah 84101
801-799-5800
801-799-5700 – fax
bfoster@hollandhart.com
mamiller@hollandhart.com

Attorneys for Plaintiffs

James A. Kohl, Esq.
Howard & Howard
3800 Howard Hughes Parkway, Suite 1400
Las Vegas, Nevada 89169
702-257-1483
702-567-1568 – fax
jkohl@howardandhoward.com

Thomas I. Rozsa, Esq. (*pro hac admission*)
Rozsa Law Group, LC
18757 Burbank Boulevard, Suite 220
Tarzana, California 91356
818-783-0990
tom@rozsalaw.com

Attorneys for Defendant Jag Precision, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CYBERGUN S.A., a French Corporation, and
FN HERSTAL, S.A., a Belgian Corporation,

Plaintiffs,

v.

JAG PRECISION, INC., a California
Corporation,

Defendant.

CASE NO. 2:12-cv-00074-KJD-GWF

THIRD JOINT STATUS REPORT

Pursuant to the Local Rules and the Court’s Scheduling Order, Plaintiffs Cybergun S.A. and FN Herstal, S.A. (collectively “Plaintiffs”) and Defendant Jag Precision (“Defendant”) by and through their respective counsel, present the Court with the following status report given that the current discovery cutoff is set for May 31, 2013 and the Court requires a joint status report on the state of discovery sixty days prior to the discovery cutoff.

1 ///

2 Plaintiffs commenced this action on January 17, 2012. After entering a Temporary
3 Restraining Order, the Court later entered a Preliminary Injunction against Defendant in
4 connection with Plaintiffs' SCAR rifle design (Dkt. 26). Thereafter, on October 29, 2012, the
5 Court entered a Preliminary Injunction against Defendant in connection with Plaintiffs' M249 and
6 P90 gun designs (Dkt. 64). Defendant has appealed this decision and order, and that appeal is
7 running concurrent with this case.

8 The parties continue to engage in settlement dialogue. Both parties continue to believe that
9 there is a reasonable chance that part or all of the case could be resolved via settlement.

10 Plaintiffs have served written discovery and have received initial responses. Plaintiffs have
11 communicated deficiencies in Defendant's initial discovery responses and have also served
12 additional discovery on Defendant. On December 28, 2012, Defendant issued written discovery
13 and Plaintiffs have provided responses. The parties will conduct depositions and have begun
14 scheduling depositions to take place in May 2013.

15 Plaintiffs expect to file substantive motions on liability issues in the case, including the
16 counterclaims filed by Defendant. Defendant expects to file dispositive motions as well. The
17 parties expect that the scope of issues to be resolved at trial, if the case does not settle, will be
18 reduced by these forthcoming dispositive motions.

19 The parties estimate that seven (7) trial days will be required to try this case, as presently
20 pleaded. The time required to try this case, of course, will be reduced if some of the issues are
21 resolved via summary judgment proceedings. Plaintiff estimates that a trial on the subject of trade
22 dress infringement, and damages would require three to four days.

23 The pretrial order in this case is due on October 22, 2013. The parties propose the
24 following three (3) dates for trial: October 28, 2013; November 11, 2013; and November 18, 2013.

25 ///

26 ///

27 ///

28 ///

1 ///
2

CYBERGUN S.A. and FN HERSTAL, S.A.

JAG PRECISION

3
4 By: /s/ Richard T. Jackson

By: /s/ Thomas I. Rozsa

5 Dated: January 3, 2013

Dated: January 3, 2013

6 Brett L. Foster, Esq. (*pro hac admission*)
7 Mark A. Miller, Esq. (*pro hac admission*)
8 Richard T. Jackson, Esq. (*pro hac admission*)
9 HOLLAND & HART LLP
10 222 S. Main Street, Suite 2200
11 Salt Lake City, Utah 84101
12 801-799-5800
13 801-799-5700 – fax
14 bfoster@hollandhart.com
15 mamiller@hollandhart.com

Thomas I. Rozsa, Esq. (*Pro Hac Admission*)
Rozsa Law Group, LC
18757 Burbank Boulevard, Suite 220
Tarzana, California 91356
818-783-0990
tom@rozsala.com

Attorneys for Defendant Jag Precision, Inc.

Attorneys for Plaintiffs

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134